IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 19TH OCTOBER 2007 / 27TH ASWINA 1929

Crl.MC.No. 3200 of 2007()

CMP.7994/2006 of JUDL. MAGISTRATE OF FIRST CLASS, VAIKOM
CRIME NO.822/2006 OF VAIKKOM POLICE STATION

.....

PETITIONER: ACCUSED:-

P.S. RADHAKRISHNAN, S/O PRAMESWARAN NAIR, NELLIPPALLY HOUSE, THEKKENADA P.O., VAIKKOM

BY ADV. SRI.P.V.JAYACHANDRAN
SRI.SAJEEVKUMAR.M.S.

RESPONDENTS: COMPLAINTS:-

---

1. P.UMA SANKAR.'POURNAMI', KAITHAVANA P.O. ALAPPUZHA, NOW RESIDING AT KOMALEZHATH, THEKKENADA, VAIKKOM, KOTTAYAM.

2. RADHAKRISHNAN, KALAPURAKKAL, THALAYAZHAM, VAIKKOM.

3. R. RAMESAN, THEVADIYIL, KULASEKHARAMANGALAM, VAIKKOM.

4. SUB INSPECTOR OF POLICE, VAIKKOM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 19/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.3200 of 2007

Dated this the 19th day of October, 2007

O R D E R

This petition, under Section 482 Cr.P.C, is filed by the petitioner, who is the 1st accused in a crime registered by the Vaikkom Police for offences punishable, inter alia, under Sections 120 B, 407 and 419 I.P.C. That crime, in turn, has been registered on the basis of a complaint filed by the defacto complainant before the learned Magistrate, which has been referred to the police under Section 156 (3) Cr.P.C. Investigation is in progress. The petitioner wants the extraordinary inherent jurisdiction under Section 482 Cr.P.C to be invoked to quash the F.I.R registered against him. There are 3 other accused also shown in the F.I.R. The prayer is to quash the F.I.R in so far as it relates to the petitioner.

2. The averments in the private complaint filed show that the complainant, an advocate is the brother in law of the petitioner herein, they having married sisters. The advocate brother in law/complainant alleges that he and the petitioner were sharing a common room as office. The petitioner is a stamp vendor, whereas the complainant/ brother in law is a legal practitioner. The complainant had allegedly handed over certain documents to be kept safely in a safe/almirah

which the petitioner had in the premises. The crux of the allegations is that those documents were taken away stealthily and were used for foisting false cases and to initiate untenable legal proceedings against the petitioner. The crime has been registered.

3. This Court does of course have the jurisdictional competence to quash the F.I.R registered. But sufficient, satisfactory, compelling and exceptional reasons must be shown to exist as to why the normal procedure of law must be short circuited and premature termination of investigation must be brought about. I shall carefully avoid any detailed discussion or expression of opinion on the contentions raised. Suffice it to say that on an anxious consideration of the submissions made in the light of the averments in the complaint, I find no such acceptable reasons which can justify or warrant the invocation of the extraordinary inherent jurisdiction under Section 482 Cr.P.C.

This Crl.M.C is, in these circumstances, dismissed.

(R.BASANT, JUDGE)

rtr/-